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Security Council

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Letter dated 4 May 2018 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, and in accordance with the Charter of the United Nations, in particular Article 35, paragraph 1, which provides that any Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute or any situation the continuance of which is likely to endanger the maintenance of international peace and security, I should like to inform you of a new incident in which Qatar threatened the security and safety of international civil aviation.

In that connection, I should like to refer to my letter dated 29 March 2018 addressed to the President of the Security Council (S/2018/291), in which I informed the Council of a serious aviation incident that had taken place on 26 March 2018, in the course of which two Qatari combat aircraft had come dangerously close to a civilian Airbus A320 of the United Arab Emirates (registration No. A6-HMS), activating its collision avoidance system alarm and forcing the captain to climb to a higher altitude to avoid a potential collision. I should also like to refer to the letter dated 18 January 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/2018/46), in which the Council was informed of two serious aviation incidents that had taken place on 15 January 2018, in the course of which Qatari combat aircraft had come dangerously close to two civilian aircraft registered in the United Arab Emirates (Emirates airlines flight EK837/UAE837 and Etihad Airways flight EY371/ETD23B) that had been flying along internationally agreed airways. In each of those three incidents, Qatari combat aircraft created a sudden uncontrolled situation and put the safety of the passengers on-board those civilian aircraft at risk.

Unfortunately, Qatar continues to engage in irresponsible acts that threaten the safety of civilian aircraft operating under the flag of the United Arab Emirates and the lives of passengers. At 0750 hours UT, on 22 April 2018, a Qatari combat aircraft (transponder code 2340) approached within unsafe distance of a United Arab Emirates civilian Airbus A320 (registration No. A6-EIM) as it was on a regularly scheduled flight (Etihad Airways flight EY322/ETD88/ETD322), activating its collision avoidance system alarm and forcing the captain to drop to a lower altitude to avoid a collision. At the time of the incident, the aircraft of the United Arab Emirates was on a scheduled flight from King Fahd International Airport in Dammam, Saudi Arabia, to Abu Dhabi International Airport, flying in international airspace along internationally agreed airway UN 318, within the Bahrain flight information region.

It should be noted that Qatar did not provide any prior navigation notice regarding its combat aircraft to air traffic control in Bahrain.

Please find annexed charts illustrating the above-mentioned incident. The charts show that Qatar flagrantly violated international civil aviation laws and regulations. It should be noted that the United Arab Emirates has notified the Council of the International Civil Aviation Organization (ICAO) of this incident in accordance with the established procedures for ensuring the safety and security of international civil aviation. The first and second charts show the location of the incident relative to international airway UN 318 and the territorial waters of Qatar. The third and fourth charts show the location of the incident, the latitude and longitude of the Etihad Airways aircraft and the Qatari combat aircraft, and the vertical and horizontal separation between the two.

The 27 April 2018 incident took place after the ICAO Council, in accordance with article 54, paragraph (n), of the Convention on International Civil Aviation, had agreed to the request made by the United Arab Emirates that it hold an extraordinary meeting to consider previous incidents in which Qatari combat aircraft flew dangerously close to United Arab Emirates civilian aircraft, threatening the safety and security of international civil aviation. The ICAO Council had agreed to the request of the United Arab Emirates on 17 May 2018.

Although ICAO has been informed of these incidents and has agreed to the request from the United Arab Emirates to hold a special meeting to discuss them, Qatar persists in carrying out irresponsible acts that threaten the security and safety of international civil aviation, thereby proving beyond a doubt its utter disregard for the safety of civilian passengers and the freedom of international aviation. Qatar has furthermore blatantly defied the international community through its failure to comply with its international obligations.

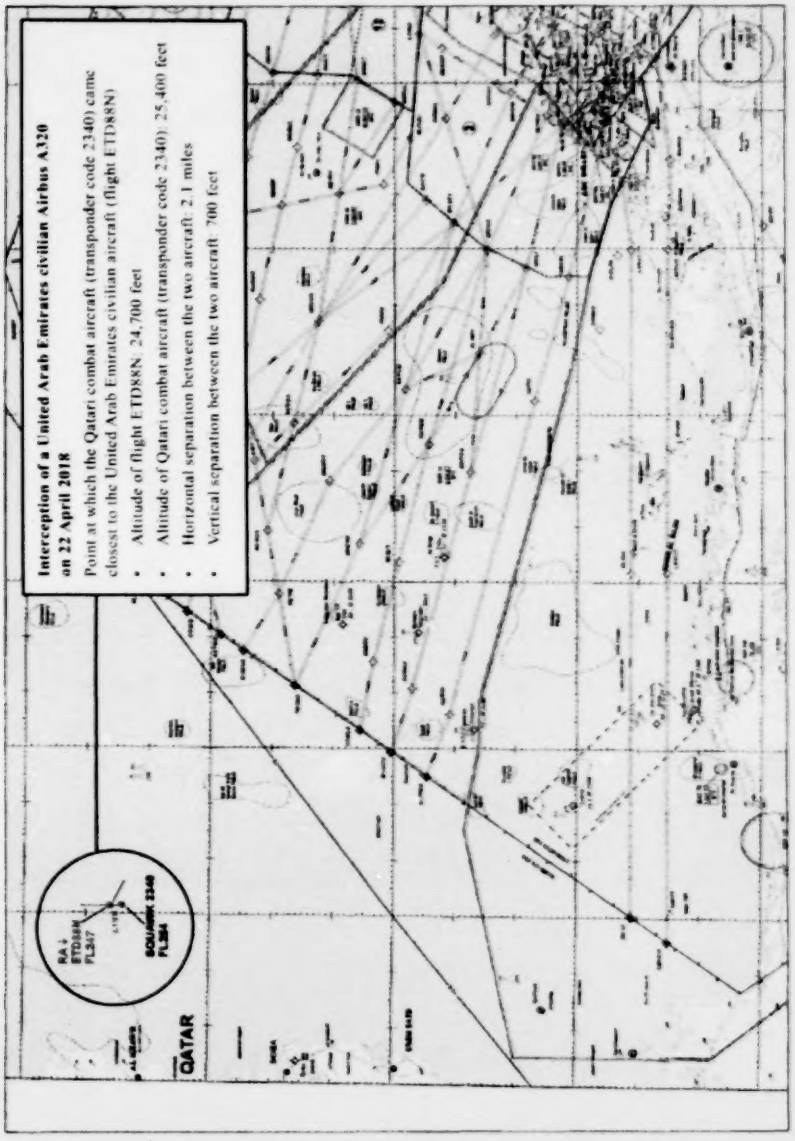
It is clear that the regrettable and dangerous incidents mentioned above, and the deliberate ongoing Qatari campaign to target and threaten the safety of civil aircraft registered in the United Arab Emirates, and threaten the freedom of international aviation and the safety and lives of civilian passengers, will inevitably lead to international friction and give rise to a dispute in the sense of Article 34 of the Charter.

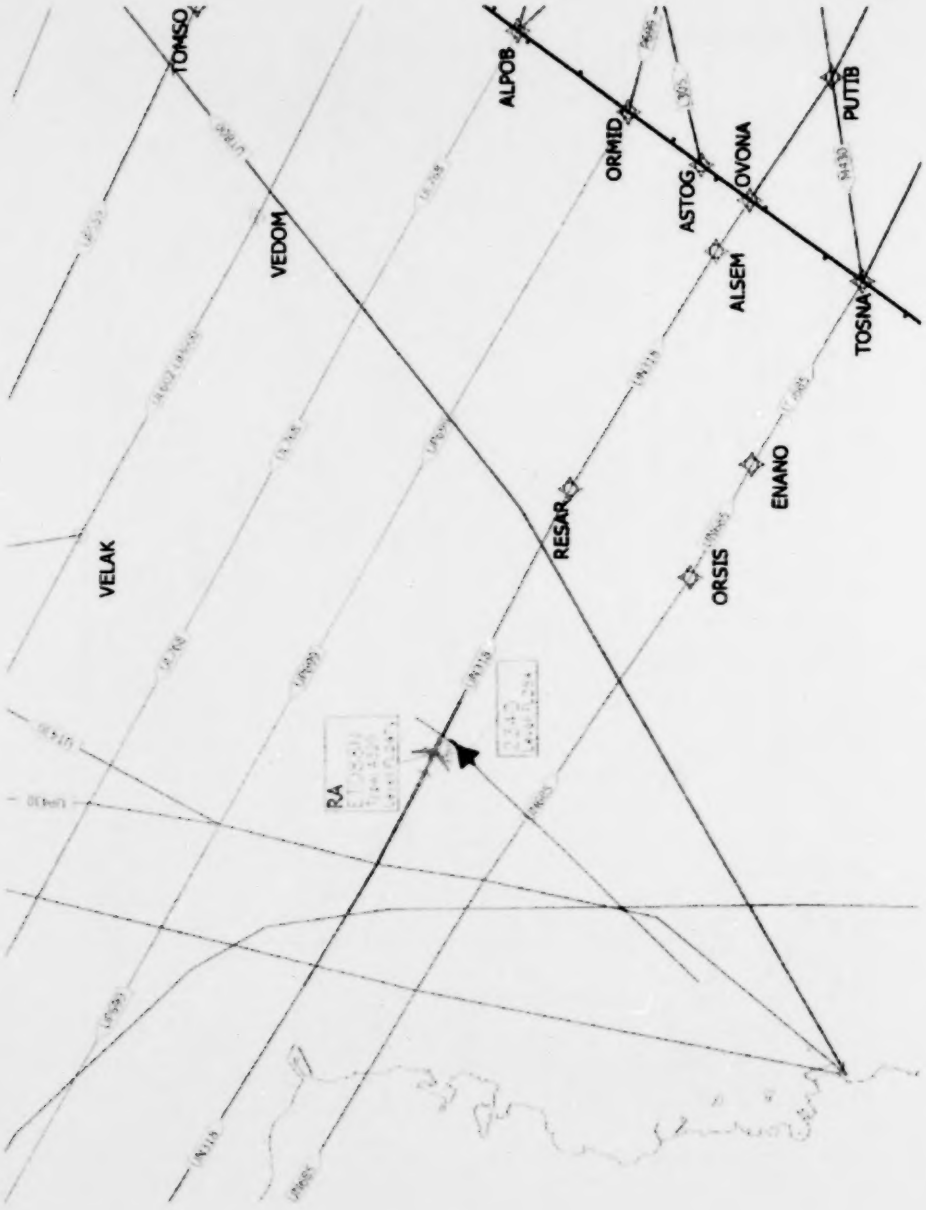
Lastly, the United Arab Emirates would like to reaffirm its full commitment to the security and safety of international air traffic and its absolute compliance with the international laws, principles and procedures in force in that regard.

I should be grateful if the present letter and its annex could be issued as a document of the Security Council.

(*Signed*) Lana Zaki **Nusseibeh**
Ambassador
Permanent Representative

Annex to the letter dated 4 May 2018 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council


Interception of a United Arab Emirates civilian Airbus A320
on 22 April 2018
Point at which the Qatari combat aircraft (transponder code 2340) came closest to the United Arab Emirates civilian aircraft (flight ETD88N)
• Altitude of flight ETD88N: 24,700 feet
• Altitude of Qatari combat aircraft (transponder code 2340): 25,400 feet
• Horizontal separation between the two aircraft: 2.1 miles
• Vertical separation between the two aircraft: 700 feet
QATAR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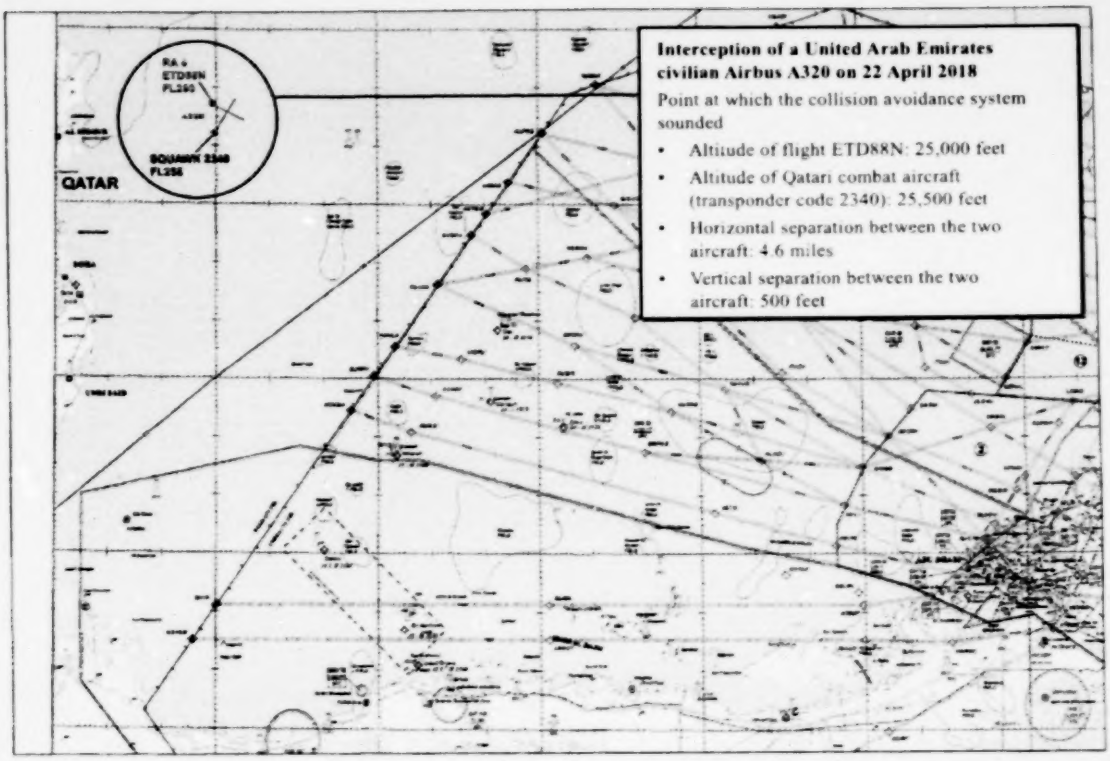
QATAR
Interception of a United Arab Emirates civilian Airbus A320 on 22 April 2018
Point at which the collision avoidance system sounded
• Altiiude of flight ETD88N: 25,000 feet
• Altitude of Qatari combat aircraft (transponder code 2340): 25,500 feet
• Horizontal separation between the two aircraft: 4.6 miles
• Vertical separation between the two aircraft: 500 feet

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General Assembly
Security Council

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8 May 2018

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-third year

Identical letters dated 4 May 2018 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I regret that I must once again write to you regarding the dire situation being borne by the Palestinian people under Israel's illegal, belligerent military occupation.

Conditions remain critical in the Gaza Strip, where Palestinian civilians peacefully protesting against this inhumane occupation continue to be subject to attack by the Israeli occupying forces. As even more suffering is being inflicted on this vulnerable and besieged population, hopes are further diminishing, and this loss of hope is especially prevalent among our youth. This has been reported widely, including in a 29 April piece by The New York Times reflecting on the recent protests and quoting a 22-year-old Palestinian youth — who is unemployed and whose family is struggling with the impoverishment and collective punishment imposed on the entire population — referring to the situation as so unbearable that: "Death or life — it's the same thing".

Today's developments only reinforce this sense of despair and anger in the face of this ruthless occupation. Yet again, the occupying forces have chosen to respond with military force in Gaza against unarmed Palestinians engaged in non-violent protests in the context of the Great March of Return — launched on 30 March 2018 in view of the impending seventieth anniversary of the Nakbah — causing more civilian casualties.

As of the writing of the present letter, it is being reported that more than 1,100 people have been injured, including at least 82 people shot and wounded by live ammunition. Since the protests began on 30 March, 49 Palestinians have been killed by the Israeli occupying forces in the Occupied Palestinian Territory. This includes the killing of a 15-year-old boy, Azzam Oweida, who was shot in the head by Israeli soldiers during last Friday's protests and who died the following day of his injuries, as well as the killing of three Palestinians near the Gaza-Israel border on Sunday, 29 April.

Please recycle

The number of Palestinian civilians wounded and injured since the protests began has now surpassed 7,000, with many suffering critical injuries, which are exacerbated by the health crisis in Gaza. The difficulties in the treatment of the wounded have also been gravely compounded by the type of ammunition being used by Israel, the occupying Power, against our civilian population. This includes the use of explosive bullets, such as "butterfly bullets", which explode upon impact, destroying tissue, arteries and bone and causing severe internal injuries. The use of such weaponry and the massive body wounds and bone and tissue damage it is causing has led to increased incidences of limb amputation and permanent disability among injured Palestinians and, in several cases, death from the severity of the wounds.

As tensions continue to rise and humanitarian and security conditions to deteriorate, the urgency of addressing this dire situation and bringing it back from the brink cannot be understated. This message was repeatedly conveyed to the Security Council by one delegation after another at the open debate held recently, on 26 April, and it is a message we convey once again today. Time is of the essence and the international community must act without delay.

The international community, including the Council, must act, in line with international legal obligations, including the relevant United Nations resolutions, for the sake of protecting the Palestinian civilian population under Israel's foreign occupation, ensuring accountability and salvaging the prospects for peace and security before the downward spiral crosses the point of no return. In this regard, delegations addressing the Council also clearly underscored that the question of Palestine remains at the heart of the instability in the Middle East and that a just solution to the Palestinian-Israeli conflict remains the key to peace.

Absent measures of accountability, it is clear that Israel will persist with its unlawful blockade and deliberate attacks on Palestinian civilians in Gaza and the escalation of its other violations in the rest of the Occupied Palestinian Territory, including East Jerusalem, with total impunity. The occupying Power is flagrantly ignoring the international community's calls, including at the highest levels, for restraint and compliance with the law, including its obligations under the Fourth Geneva Convention and all provisions relevant to the protection of civilians in armed conflict. Moreover, the Israeli Government continues to incite against the Palestinian people, and occupying forces continue to shoot, kill and injure unarmed Palestinian civilians, including children, engaged in peaceful, non-violent protest and not posing any threat at all.

Repeated statements by Israeli officials clearly indicate such aggression against our civilians to be part of an intentional, systematic policy, designed, commanded and implemented to inflict as much loss and punishment on the Palestinian people as possible, including death and permanent disability. How else can one explain the designation of an entire civilian population, over half of them children, as a target for attack, as was done by Israeli Minister Avigdor Lieberman, who has openly declared that "there are no innocent civilians in Gaza"? Echoing this shameful mindset, the so-called Science and Technology Minister of Israel, in referring to civilian protesters in Gaza, stated: "He is not an innocent civilian who is coming to seek peace. I'm sure of that."

Such wilful targeting of civilians is outright terrorism; it constitutes a grave breach of international humanitarian, human rights and criminal law. For all of these crimes, there must be accountability.

We thus reiterate our call for an independent, transparent, international investigation into these crimes being perpetrated by Israel, the occupying Power, in the Occupied Palestinian Territory, including the killing and injuring of peaceful

civilian protesters, as called for by the United Nations Secretary-General and countless other States and international organizations.

In this regard and in relation to the recent announcement by the Israeli Government of the intention to launch an investigation, we must also reiterate that Israeli domestic investigations into crimes perpetrated by the occupying forces against Palestinians are wholly inadequate. Even Israeli human rights organizations concur on this point. As noted on 26 April by the Executive Director of the Israeli organization B'Tselem: "Extensive past experience clearly demonstrates that the recently announced Israeli 'investigation' of some of these fatalities is nothing more than a whitewash mechanism. It is part of a facade designed to give the impression that Israel is abiding by its legal obligation to investigate. Recent statements by Israeli officials indicate that the announcement was only made in an attempt to forestall and prevent investigations by international bodies."

Moreover, it is clear that the illegal Israeli military courts that try Palestinians — including the only juvenile military court in the world — are illegitimate, established only to sustain the occupation and not to achieve justice. This is confirmed by the fact that all segments of the Palestinian people have been subject to arrest, including children, women, human rights defenders, journalists, parliamentarians, and, of course, men and young males, who are the primary targets. This has been compounded by an astounding conviction rate, which stands at over 99 per cent, a rate which is only achieved by the persistent abuse by Israel of its obligations as an occupying Power and of fair trial rights.

That Israel's military courts operate in breach of international law has been confirmed by, inter alia, the former United Nations Special Rapporteur on the independence of judges and lawyers, the United Nations independent fact-finding mission on Israeli settlements, and Human Rights Council treaty bodies. As stated recently by the United Nations High Commissioner for Human Rights: "Israel's failure to consistently prosecute violations committed by members of its security forces, encourages them to use deadly force against their fellow unarmed human beings, even when they present no threat."

The fact that Israel's military investigation system whitewashes crimes against Palestinians has also been yet again reconfirmed by the recent sentencing on 25 April of Israeli policeman Ben Dery, who shot and murdered unarmed Palestinian teenager Nadeem Nuwara on 15 May 2014, following a peaceful civilian demonstration to mark the Nakbah. After nearly four years of pursuing justice, the Nuwara family felt their wound was deepened by the nine-month prison sentence given to Dery for this blatant war crime. In stark contrast to that absurd sentence, Palestinian child Ahed Tamimi, who confronted an Israeli soldier who invaded her home in the occupied West Bank, remains in jail, being forced to serve an eight-month sentence.

These cases are only two of the countless such injustices endured by the Palestinian people under more than a half-century of this criminal occupation. Moreover, they reflect the double standard prevailing, wherein outrageous sentences are handed down against Palestinians by Israeli military courts, while Israeli soldiers and extremist settlers are permitted to harm and terrorize Palestinian civilians with complete impunity. In this regard, referring to the case of Nadeem Nuwara, a spokesperson for Defence for Children International has stated: "Despite clear and overwhelming video, spatial and sound forensic analysis showing Ben Dery intentionally killed Nuwara [...] The lenient sentence announced today is not surprising and illustrates how pervasive and entrenched denial perpetuates impunity even where video evidence shows Israeli forces intentionally killing children."

As we continue to bear witness to the crimes of this malicious, illegal Israeli occupation, including the carnage being perpetrated against our people in Gaza, we

must again call on the international community to ensure protection for the Palestinian people. International law, including humanitarian and human rights law, and the relevant United Nations resolutions must be upheld, without exception. We urge the Security Council to act on its responsibilities in this regard and appeal to all States to fulfil their legal obligations, including to respect and ensure respect for the Geneva Convention relative to the Protection of Civilian Persons in Time of War, in the Occupied Palestinian Territory, including East Jerusalem. This is an urgent matter and is central to preserving international rules, norms and moral standards in all cases and to salvaging the chances for a just peace.

The present letter is in follow-up to our 632 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 27 April 2018 (A/ES-10/778-S/2018/400), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine
to the United Nations